IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.6 OF 2006

IN

WRIT PETITION NO.3485 OF 2005

Shri John Manya Lopies & Ors. ...Petitioners

Versus

Shri Zyar Manu Rodrigues & Ors. ...Respondents

.....

Mr.Amit Karkhanis for Petitioners.

Mr.A.K.Abhyankar, Senior Counsel with

Mr.Nitin Mhatre for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 7, 2006.

P.C.

1. Counsel for the Respondents points out that the Petitioners have already taken recourse to application under Order XXXIX Rule 2A of the Code of Civil Procedure before the Trial Court for breach of the same order. Those proceedings are pending and are contested before the Trial Court.

Counsel for the Petitioners submits that he was not aware of this position. He submits that as those proceedings are already taken out before the Trial Court, this Petition cannot be pressed. Hence, dismissed as withdrawn with liberty to the Petitioners to pursue the remedy before the Trial Court. The same be decided on its own merits in accordance with law.

A.M.KHANWILKAR, J.